

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WISCONSIN

ANDREW L. COLBORN,
Plaintiff
v.

NETFLIX, INC., et al.,
Defendants. Case No. 19-CV-484

DECLARATION OF ANDREW L. COLBORN

STATE OF WISCONSIN)
) SS
COUNTY OF MANITOWOC)

ANDREW L. COLBORN, being first duly sworn on oath, deposes and says:

1. My name is Andrew L. Colborn and I am the plaintiff in the above entitled action and submit this declaration in opposition to defendant's motions for summary judgement. If I were asked to testify, I would testify consistent with this declaration, and I have personal knowledge of all facts set forth herein.
2. I have reviewed the contents of Exhibit 1, submitted with Plaintiff's brief, and it contains true and correct copies of voicemail recordings that I received on my office phone line while working at the Manitowoc County Sheriff's Dept. between 1-3-16 and 11-16-16.
3. Attached as Exhibit 2 are emails I received following the release of Making a Murderer.
4. Following the release of Making a Murderer (MAM), I was reluctant to go out and be seen in public as I was continually concerned about being confronted with threats and didn't want my wife or family exposed to the same.
5. I was hypervigilant when we went out and was always concerned about threats to my family. It was, and remains, a constant source of worry.

6. When attending car shows, I use a name I made up so my car would not be vandalized.

7. When sitting in a restaurant, I sit where I can see the door.

8. Being in law enforcement, I would make sure my weapon was loaded and ready to use if needed.

9. I have been an introvert my whole life, but following MAM my circle of friends shrunk. I saw fewer friends as I wasn't sure how people would react and respond to me. I was even guarded with close friends and relatives. I trust few people.

10. Because of the threatening mail I was receiving at my home, I had instructed my wife not to get the mail. One day on my way to work I picked up the mail and saw something I thought may have been an explosive. I slid the item out and didn't recognize the return address. I contacted my supervisor at the Sheriff's Department who contacted the post master to search the return address. My supervisor then dismantled the item which turned out to be a glitter bomb. There was a note inside regarding this was for Steven Avery.

11. At home I always answered the phone as I didn't want my wife exposed to being threatened on the phone and I didn't want my wife to hear the voice mail messages being left. I did not record these messages. The messages were many and voluminous.

12. Many times at work I answered my phone and it would be a negative message from someone who watched Making a Murderer and thought I had planted evidence. Because I answered the phone, those calls were not recorded. The recordings I kept (exhibit 1) were messages that had been left on my voice mail, but were not all the calls that were left on my voice mail. The voice mails were threatening and negative filled with vulgarities or curses and generally derogatory, as were the calls I answered but did not record.

13. One of the reasons I retired sooner than I wanted was because of what I endured from MAM.

14. Making a Murderer affected my relationships with my supervisors, wife, co-workers and even my friends. I thought it best to keep my feelings to myself and was afraid if I said more it would affect my employment. This is one reason I wouldn't go in for counseling as having a diagnosis of anxiety or worse could have affected my employment, being a law enforcement officer carrying a weapon.

15. Once I took my car in for service for an oil change and tire rotation. I could tell the female service desk representative was looking at me. She followed my vehicle back and I

saw her talking to the mechanic. After I left the dealership, I received a call from a friend who had seen a social media posting from the service desk representative of a photographs of me sitting in their waiting room and my car with its license plate that said this is the guy that set up Steven Avery. I had then spoken to the manager at the dealership and the service desk representative was then terminated. Not knowing what they had done to my car, I then had to get the oil drained out to make sure my car was not tampered with. The dealership paid this bill.

16. After I retired from law enforcement, I wanted to get a part time job. I filled out an application and the HR person at the hospital (where I had applied for the job) asked if I was the Andy Colborn from Making a Murderer. I told her I was and she said she has seen what was going on with social media. After I was hired, the marketing director and my supervisor told me I was not to appear in anything involving the media at the hospital. Anytime there is a press conference at the hospital, I am asked to leave. Once I went to McDonalds and other times they found projects for me to do elsewhere.

17. Once while working at the hospital, a colleague confronted me in the elevator and accused me of planting evidence based on what she saw on Making a Murderer.

18. Attached as Exhibit 3 is a social media post made about me from someone who came into hospital while I was working who had a baby in the NICU.

19. I often find people staring at me in public, sometimes asking "How do I know you?" or Are you Andy Colborn?" I usually answer why are you asking and that is when sometimes they laugh and walk off or just walk away. This did not occur prior to Making a Murderer.

20. Another time a discharged patient took a photo of me while leaving the hospital.

21. Attached as Exhibit 4 is a statement made by Scotland Yard about me.

22. A friend of mine travelled to Mexico for vacation and when people found out she was from Manitowoc she was confronted about how crooked law enforcement was in her town. She spoke up and told them she knew me and Making a Murderer was not an accurate portrayal of law enforcement. My friend was upset about what had happened.

23. I have felt a constant anxiety, fear and dread since MAM was released because of threats I have received over the course of time that have continued to the present day. I also worry constantly about my family because threats were addressed to them as well. I can never know who watched Making a Murderer and intends to do something negative towards me or harm me or my family. I anticipate this could continue for years as I cannot let go of the defamation Making a Murderer has caused me.

24. I was proud to be in law enforcement and it was an important part of my life. I had never faced these type of allegations and it has disturbed me and affected my reputation immensely.

25. I still have a feeling of constant vigilance, fear, dread and anxiety because I can never know who watched Making a Murderer and intends to do something negative towards me. I anticipate this could continue for years.

26. I did write an email to Attorney Dunphy as shown at Dkt. 289-12 and Dkt. 289-13 that stated in part “the claims by the Netflix documentary mirror those claimed by the defense during trial” and that things I told him were a “part of the court record”. Since writing these emails in January 2016, I have learned that there is so much more to what the defendant did to defame me.

27. I did an interview for Convicting a Murderer on March 2, 2018. Although I was still technically employed with the sheriff's department, I was no longer working. I contacted Sheriff Hermann who gave me permission to do the interview.

28. I provided a statement to the press following the guilty verdict of Steven Avery, but I do not possess a written copy of the statement I provided.

29. I started getting harassing phone calls and email messages following the release of Making a Murderer in 2015. My Christmas Eve was interrupted with such messages. During and following the Avery trial in 2007, I never received harassing phone or messages.

30. Attached as exhibit 5 show my name on google gets over 500,000 hits with videos.

s/Andrew L. Colborn
Andrew L. Colborn

4390687

Andrew L. Colborn
11/03/22